

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 4/12/07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. RON STOKER, VICE CHAIR	/	
REP. DAVE GALLIK, VICE CHAIR	//	
REP. JULIE FRENCH	//	
REP. GEORGE EVERETT	//	
REP. HOLLY RASER	//	
REP. ROGER KOOPMAN	/	
REP. DOUGLAS CORDIER	//	
REP. KRAYTON KERNS	//	
REP. ROBYN DRISCOLL	//	
REP. KEN PETERSON	//	
REP. JESSE O'HARA	//	
REP. TOM MCGILLVRAY	//	
REP. DEBORAH KOTTEL	//	
REP. JOHN WARD	/	
REP. BOB EBINGER	//	
REP. RICK JORE	//	
CHAIRMAN DIANE RICE	//	



## HOUSE STANDING COMMITTEE REPORT

April 12, 2007  
Page 1 of 2

Mr. Speaker:

We, your committee on Judiciary recommend that Senate Bill 300 (third reading copy -- blue) be concurred in as amended.

Signed: Diane Rice  
Representative Diane Rice, Chair

To be carried by Representative Julie French

And, that such amendments read:

1. Title, line 5.

Following: "61-5-133,"

Insert: "61-9-419, 61-9-420, 61-9-421, 61-9-422, 61-9-423,"

2. Title, lines 6 and 7.

Strike: "REPEALING" on line 6 through "MCA" on line 7

Insert: "PROVIDING A TERMINATION DATE"

3. Page 4.

Following: line 13

Insert: "Section 3. Section 61-9-419, MCA, is amended to read:  
"61-9-419. "Properly restrained" defined. As Effective  
October 1, 2011, as used in 61-9-420 through 61-9-423, "properly

restrained" means fastened in a manner prescribed by the manufacturer of the system that permits the system to act as a body restraint, but does not mean a system in which the only body restraint is a safety belt of the type required by 61-9-409."

Insert: "Section 4. Section 61-9-420, MCA, is amended to read:  
"61-9-420. Child safety restraint systems -- standards --  
exemptions. (1) if Effective October 1, 2011, if a child under 6

years of age and weighing less than 60 pounds is a passenger in motor vehicle, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

Committee Vote:

Yes 9, No 8

Fiscal Note Required —

771132S  
jk



(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint.""

**Insert:** "Section 5. Section 61-9-421, MCA, is amended to read:

**"61-9-421. Certain vehicles exempt. Section Effective October 1, 2011,** 61-9-420 is not applicable to a vehicle that:

(1) is a motorbus, schoolbus, taxicab, moped, quadricycle, or motorcycle or is not required to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984; or

(2) has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle.""

**Insert:** "Section 6. Section 61-9-422, MCA, is amended to read:

**"61-9-422. Evidence admissible without presumption of negligence. Evidence Effective October 1, 2011,** evidence of compliance or failure to comply with 61-9-420 is admissible in any civil action for personal injury or property damage resulting from the use or operation of a motor vehicle, but failure to comply with 61-9-420 does not alone constitute negligence.""

**Insert:** "Section 7. Section 61-9-423, MCA, is amended to read:

**"61-9-423. Penalty. Violation Effective October 1, 2011,** violation of 61-9-420 is punishable by a fine of not more than \$100.""

**Renumber:** subsequent sections

4. Page 7, lines 4 and 5.

**Strike:** section 8 in its entirety

5. Page 7.

**Following:** line 5

**Insert:** "NEW SECTION. Section 13. Termination. [Sections 1 and 2 and 8 through 12] terminate October 1, 2011."

- END -



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## HOUSE STANDING COMMITTEE REPORT

April 12, 2007

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Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 142** (third reading copy -- blue) be concurred in.

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative John Ward

- END -

**Committee Vote:**

**Yes 9, No 8**

Fiscal Note Required ☐

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*John*  
4/18/07

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### JUDICIARY COMMITTEE

DATE 4/12/07 BILL NO. SB300 MOTION NO. 3  
 MOTION: \_\_\_\_\_

*Be Concurred In As Amended*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		/	
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON	/		
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	.	/	
REP. BOB EBINGER	/		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

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# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### JUDICIARY COMMITTEE

DATE 4/12/07 BILL NO. SB142 MOTION NO. 1  
 MOTION: \_\_\_\_\_

*Reconsider the Motion*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		/	
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON		/	
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	/		
REP. BOB EBINGER	/		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/12/07 BILL NO. SB142 MOTION NO. 2  
 MOTION: \_\_\_\_\_

*Be Concurred in*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		/	
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON		/	
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	/		
REP. BOB EBINGER	/		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/12/07 BILL NO. SB 306 MOTION NO. 1  
MOTION: \_\_\_\_\_

*Reconsider the Motion*

<u>NAME</u>	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		/	
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON		/	
REP. JESSE O'HARA		/	
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	/		
REP. BOB EBINGER	/		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

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**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 030004 addn	X	

BILL/AMENDMENT

AYE NO


Rep

(Signature)

Date

4/12/2007

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